

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3182 of 2016

1. Daksha Nath Shukla, son of late Babu Bhagwat Prasad Shukla, resident of J.F.- 3/32, Road No. 10-E, Rajendra Nagar, P.S.- Rajendra Nagar, District- Patna- 16
 2. Ajay Nath Shukla, son of Daksha Nath Shukla, Resident of J.F.- 3/32, Road No. 10-E, Rajendra Nagar, P.S.- Rajendra Nagar, District- Patna- 16
- Petitioner/s

Versus

1. The State of Bihar,
 2. The Chief Secretary, State Government, State of Bihar, Patna,
 3. The Principal Secretary, Department of Mining, State Govt. Bihar, Patna,
 4. The Principal Secretary, The Department of Land and Revenue, State Government, Bihar, Patna,
 5. The Commissioner, Gaya Division, Gaya,
 6. The District Magistrate, Nawada.
- Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Chittranjan Sinha, Sr. Advocate, PAAG-2 Mrs. Ratna Kumari, AC to PAAG-2
For Mines Department	:	Mr. Naresh Dikshit, Advocate Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 27-02-2019

None appeared on behalf of the petitioners. On 20.02.2019 also, none appeared on behalf of the petitioners. Counsel for the State as well as Mines Department are present.

The petitioners have sought following relief(s)

- (I) For issuance of writ of mandamus commanding the respondents authorities to take necessary action for preventing the illegal mining on the land under the



Mauza- Bhalua, Pargana- Zarra, Thana- Rajauli

(Previous Thana No.198), Tauzi No.2576 & 2577

(II) For direction to the respondents authorities to prepare the plan in collaboration with the petitioners for exploiting the minerals through legal mining of the said land.

(III) For any other appropriate writ/writs, order/orders, direction/directions which may be fit in the facts and circumstances of the cases.

Counter affidavit has been filed on behalf respondent No.6.

It has been mentioned in para 5 of the counter affidavit that allegation levelled by the petitioners that private companies are doing illegal mining on the land appertaining to Mauza- Bhalua, Pargana- Zarra, Thana- Rajauli (Previous Thana No.198), Tauzi No.2576 & 2577 is totally false. The companies, who have been granted lease over the land, are doing mining on the land. Work of mining is being done legally by the leaseholder over the land in question. The petitioners claim themselves to be the owner of the land appertaining to Mauza- Bhalua, Pargana- Zarra, Thana- Rajauli (Previous Thana No.198), Tauzi No.2576 & 2577 purchased through public auction conducted by the Court in the name of late Malik Dulhin Shyama Devi.



This Court finds that aforesaid disputed question of fact cannot be looked into in the writ application.

Main contention for the counsel for the respondents in the counter affidavit is that work of mining is being done legally by the leaseholder over the land in question by the companies, who have been granted lease and mining work is going on legally.

In view of such, this Court does not find any merit in this writ application.

This writ application is, accordingly, **dismissed**.

The petitioners are at liberty to raise the points, in the event illegal mining is going on, before the Collector, Nawada, who after holding proper enquiry, will pass appropriate order in accordance with law.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07-03-2019
Transmission Date	N/A

